



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Valenzky, et al.
For : METHOD AND APPARATUS FOR MAKING
COMMERCIAL CRUSTLESS SANDWICHES AND
THE CRUSTLESS SANDWICH MADE THEREBY
Serial No. : 10/803,240
Filed : March 18, 2004
Examiner : Timothy F. Simone
Group Art Unit : 1761
Date of Last Action : September 24, 2004
Our Docket : SMEE 2 13101-1-2

COMMENTS ON STATEMENT OF REASONS OF ALLOWABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Thereby certify that this correspondence is being deposited
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in an envelope addressed to Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

on 9-30-04

Adeline Machado
(SIGNATURE)

9-30-04

In response to the Notice of Allowability mailed September 24, 2004, Applicants submit the following comments set forth below.

Applicants do not agree that the one or more reasons stated by the examiner for allowance of any of the claims during the prosecution of the above-identified patent application are the only reasons for allowance of such claims. Particularly, the examiner has indicated that the claims are allowed by importing an interpretation into the claims in relation to the prior art that may place an unwarranted limiting interpretation upon the claims. Such a characterization of the claims in view of the prior art would not properly take into account the applicants' claimed invention as reflected

in the specification. Therefore, while applicants believe the claims are allowable for at least the reasons set forth by the examiner, applicants do not acquiesce that patentability resides in only the features and/or reasons identified by the examiner.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

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SUBMISSION OF DRAWING

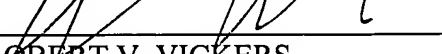
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FIGURE 3A, which illustrates an apparatus having a first slice dispenser, a second food dispenser,
a top food dispenser and a second slice dispenser.

Respectfully submitted,
FAY, SHARPE, FAGAN, MINNICH & McKEE

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